

House Study Bill 148 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to water resources, by transferring the
2 water resources coordinating council from the office of
3 the governor to the department of agriculture and land
4 stewardship.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 466B.2, subsection 2, Code 2011, is
2 amended by striking the subsection.

3 Sec. 2. Section 466B.3, subsection 1, Code 2011, is amended
4 to read as follows:

5 1. *Council established.* A water resources coordinating
6 council is established within the ~~office of the governor~~
7 department of agriculture and land stewardship.

8 Sec. 3. Section 466B.3, subsection 4, paragraph c, Code
9 2011, is amended by striking the paragraph.

10 Sec. 4. Section 466B.3, subsection 4, paragraph 1,
11 unnumbered paragraph 1, Code 2011, is amended to read as
12 follows:

13 The ~~governor~~ secretary, who shall be the chairperson, or
14 the ~~governor's~~ secretary's designee. As the chairperson,
15 and in order to further the coordination efforts of the
16 council, the ~~governor~~ secretary may invite representatives
17 from any other public agency, private organization, business,
18 citizen group, or nonprofit entity to give public input at
19 council meetings, provided the entity has an interest in the
20 coordinated management of land resources, soil conservation,
21 flood mitigation, or water quality. The ~~governor~~ secretary
22 shall also invite and solicit advice from the following:

23 Sec. 5. Section 466B.3, subsection 5, paragraph a, Code
24 2011, is amended to read as follows:

25 a. The council shall be convened by the ~~office of the~~
26 ~~governor~~ secretary of agriculture at least quarterly.

27 Sec. 6. Section 466B.3, subsection 6, paragraph c, Code
28 2011, is amended to read as follows:

29 c. The council shall develop recommendations for policies
30 and funding promoting a watershed management approach to
31 reduce the adverse impact of future flooding on this state's
32 residents, businesses, communities, and soil and water quality.
33 ~~Policy and funding recommendations shall be submitted to the~~
34 ~~governor and the general assembly not later than November~~
35 ~~15, 2009.~~ The council shall consider policies and funding

1 options for various strategies to reduce the impact of
2 flooding including but not limited to additional floodplain
3 regulation; wetland protection, restoration, and construction;
4 the promulgation and implementation of statewide storm water
5 management standards; conservation easements and other land
6 management; perennial ground cover and other agricultural
7 conservation practices; pervious pavement, bioswales, and
8 other urban conservation practices; and permanent or temporary
9 water retention structures. In developing recommendations,
10 the council shall consult with hydrological and land use
11 experts, representatives of cities, counties, drainage and
12 levee districts, agricultural interests, and soil and water
13 conservation districts, and other urban and regional planning
14 experts.

15 Sec. 7. Section 466B.5, Code 2011, is amended to read as
16 follows:

17 **466B.5 Regional watershed assessment, planning, and**
18 **prioritization.**

19 1. *Regional watershed assessment program.* The department of
20 natural resources shall create a regional watershed assessment
21 program. The program shall assess all the regional watersheds
22 in the state.

23 a. The statewide assessment shall be conducted at the rate
24 of approximately one-fifth of the watersheds per year, and an
25 initial full assessment shall be completed within five years.
26 Thereafter, the department of natural resources shall review
27 and update the assessments on a regular basis.

28 b. Each regional watershed assessment shall provide a
29 summary of the overall condition of the watershed. The
30 information provided in the summary may include land use
31 patterns, soil types, slopes, management practices, stream
32 conditions, and both point and nonpoint source impairments.

33 c. In conducting a regional watershed assessment, the
34 department of natural resources may provide opportunities for
35 local data collection and input into the assessment process.

1 2. *Planning and prioritization.* In conducting the regional
2 watershed assessment program, the department of natural
3 resources shall provide hydrological and geological information
4 sufficient for the water resources coordinating council to
5 prioritize watersheds statewide and for the various communities
6 in those watersheds to plan remedial efforts in their local
7 communities and subwatersheds.

8 3. *Report to council.* Upon completion of the statewide
9 assessment, and upon updating the assessments, the department
10 of natural resources shall report the results of the assessment
11 to the council and the general assembly, and shall make the
12 report publicly available.

13 Sec. 8. Section 466B.6, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. *Facilitation of community-based subwatershed plans.* After
16 the ~~department's~~ department of natural resources' completion
17 of the initial regional watershed assessment, and after the
18 council's prioritization of the regional watersheds, the
19 council shall designate one or more of the agencies represented
20 on the council to facilitate the development and implementation
21 of local, community-based subwatershed improvement plans.

22 Sec. 9. Section 466B.7, Code 2011, is amended to read as
23 follows:

24 **466B.7 Community-based subwatershed monitoring.**

25 1. *Monitoring assistance.* After completion of the
26 statewide regional watershed assessment and prioritization,
27 and throughout the implementation of local community-based
28 subwatershed improvement plans, the department of natural
29 resources shall assist communities with the monitoring and
30 measurement of local subwatersheds. The monitoring and
31 measurement shall be designed for the particular needs of
32 individual communities.

33 2. *Data collection and use.* Local communities in which
34 the department of natural resources conducts subwatershed
35 monitoring shall use the information to support subwatershed

1 planning activities, do local data collection, and identify
2 priority areas needing additional resources. Local communities
3 shall also collect data over time and use the data to evaluate
4 the impacts of their management efforts.

5 Sec. 10. Section 466B.8, Code 2011, is amended to read as
6 follows:

7 **466B.8 Wastewater and storm water infrastructure assessment.**

8 The department of natural resources shall assess and
9 prioritize communities within a watershed presenting the
10 greatest level of risk to water quality and the health of
11 residents. This prioritization shall include both sewered and
12 unsewered communities.

13 Sec. 11. Section 466B.9, Code 2011, is amended to read as
14 follows:

15 **466B.9 Rulemaking authority.**

16 The department of natural resources and the department
17 of agriculture and land stewardship shall have the power and
18 authority reasonably necessary to carry out the duties imposed
19 by this chapter. As to the department of natural resources,
20 this includes rulemaking authority to carry out the regional
21 watershed assessment program described in section 466B.5. As
22 to the department of agriculture and land stewardship, this
23 includes rulemaking authority to assist in the implementation
24 of community-based subwatershed improvement plans.

25 **EXPLANATION**

26 This bill amends Code chapter 466B which provides for the
27 protection of surface water in this state by establishing a
28 water resources coordinating council within the office of the
29 governor. The council includes members representing a number
30 of heads of state agencies as well as the deans of colleges
31 of board of regents institutions. The council is responsible
32 for coordinating governmental efforts to improve water quality
33 in an efficient and fiscally responsible manner. The bill
34 also includes programs administered by the department of
35 natural resources and the department of agriculture and land

1 stewardship. The bill transfers the council from the office
2 of the governor to the secretary of agriculture, and provides
3 that the secretary of agriculture and not the governor serves
4 as the council's chairperson. A number of provisions in the
5 Code chapter refer to the department of natural resources as
6 simply "department". The bill includes the full name of the
7 department, but does not change its powers or duties.